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Attorneys for Plaintiff, the United States of America

IN THE UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	Civil No. 03:07-4762-PJH
)	
CHARLES CATHCART <i>et al.</i>)	APPLICATION FOR ENTRY OF
)	DEFAULT BY CLERK OF THE
Defendants.)	COURT AS TO DERIVUM CAPITAL
)	(USA), INC.

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, the United States of America respectfully requests that the Clerk of the Court enter the default of Defendant Derivium Capital (USA), Inc., (“Derivium USA”) for its failure to answer or otherwise respond to the Complaint.

In support of this request, the United States alleges as follows:

1 1. On October 10, 2007, Derivium USA's registered agent, Corporation Service
2 Company, was served as set forth in Rule 4(h)(1)(B) of the Federal Rules of Civil Procedure.

3 2. On October 10, 2007, Derivium USA was served by leaving the summons and copy of
4 the complaint with Jody Wiley, a legal assistant employed by Corporation Service Company, who
5 is over eighteen years of age. *See* Exhibits A, B to Baker Declaration, attached hereto.

6 3. Under Rule 12(a)(1)(A) of the Federal Rules of Civil Procedure, Derivium USA had
7 twenty days from October 10, to answer or otherwise respond to the Complaint. This time period
8 expired on October 30, 2007.

9 4. To date, Derivium USA has neither filed nor served an answer or other response to the
10 Complaint.

11
12 Dated: December 19, 2007

13 Respectfully submitted,

14 SCOTT N. SCHOOLS
15 United States Attorney

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17 /s/ Allyson B. Baker
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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Farley J. Neuman (fneuman@jgn.com)
Tom Prountzos (tpountzos@jgn.com)
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417 Montgomery Street, 10th Floor
San Francisco, CA 94104
Attorneys for Defendant, Robert Nagy

I further certify that on December 19, 2007, service of the foregoing was made upon the following by depositing a copy in the United States mail, postage prepaid:

Yuri Debevc (*pro se*)
1483 Burningtreet Road
Charleston, SC 29412

/s/ Allyson B. Baker
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